

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7614

BILL NUMBER: SB 445

NOTE PREPARED: Jan 7, 2007

BILL AMENDED:

SUBJECT: Notaries.

FIRST AUTHOR: Sen. Broden

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X **GENERAL**
 X **DEDICATED**
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

It provides that a person who is not an attorney who knowingly or intentionally: (1) uses a term in English or in a language other than English that implies the person is an attorney; or (2) uses the term "notario" in any document, advertisement, letterhead, stationery, business card, or another document describing the role of a notary public; commits a Class A misdemeanor.

The bill also requires a notary who is not an attorney and who advertises notary services in a language other than English to: (1) include a statement in the advertisement and on certain business documents that the notary is not an attorney and cannot give legal advice; and (2) post a schedule of fees in the notary's place of business and file a copy of the fee schedule with the Secretary of State's office.

It prohibits a notary from advertising as professing to be an expert on immigration matters unless the notary is a designated entity. The bill prohibits a notary who is not an attorney from accepting payment for legal advice. It makes a violation of the new notary laws a Class A misdemeanor.

Effective Date: July 1, 2007.

Explanation of State Expenditures:

Explanation of State Revenues: The bill adds to an existing Class A misdemeanor concerning notary public advertising words implying that the person is an attorney or using the term "notario". It also creates advertising requirements for notaries public who are not attorneys. Violation of these requirements results in a Class A misdemeanor.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the judicial salaries fee (\$15), the public defense administration fee (\$3), the court administration fee (\$2), the judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106.